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ABSTRACT

This handbook was developed to provide Chapter 1 Migrant Directors in local educational agencies with guidance in operating their Chapter 1 Migrant programs. It is based on the Chapter 1 Migrant Regulations issued on October 2, 1989 and the Migrant Education Program Policy Manual issued by the U.S. Department of Education in 1990. Information is provided in the following areas: (1) the role and responsibilities of the Migrant Education Program Director; (2) the Chapter 1 Migrant Education Program application; (3) subgrants; (4) service comparability; (5) supplementing nonfederal funds with federal funds, not supplanting (replacing them with federal funds); (6) maintenance of effort; (7) record keeping; (8) early childhood education services; (9) services to private school children; (10) support services (administration, technical assistance, and logistical support); (11) summer school programs; (12) coordination of services; (13) needs assessment; (14) testing and appropriate educationally related objective criteria; (15) service priorities; (16) parent involvement; (17) Migrant Student Record Transfer System (MSRTS); (18) identification and recruitment of migrant children; (19) student eligibility for the program; (20) state administration of the migrant education program; (21) allowable costs; (22) direct costs; (23) complaint procedures; 24) reallocation of excess funds; (25) onsite program review; (26) program staffing; and (27) evaluation of programs. (KS)

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MIGRANT EDUCATION PROGRAM

ADMINISTRATIVE HANDBOOK

1990–1991

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COLORADO MIGRANT EDUCATION PROGRAM

ADMINISTRATIVE HANDBOOK

1991

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FOREWORD

This Handbook was developed by the Colorado Department of Education to provide Chapter 1 Migrant Directors in local educational agencies with guidance in operating their Chapter 1 Migrant programs. It is based on the Chapter 1 legislation -- Public Law 100 - 297, the Chapter 1 Migrant Regulations issued on October 2, 1989 and the Migrant Education Program Policy Manual issued by the U.S. Department of Education in 1990.

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INTRODUCTION

The Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, Pub. L. 100-297, amended the Elementary and Secondary Education Act of 1965 (ESEA). Part D of Chapter 1 of Title I ESEA reauthorizes a program previously contained in Chapter 1 of the Education Consolidation and Improvement Act of 1981. Part D of Chapter 1 provides financial assistance through state educational agencies (SEAs) to operating agencies to meet the special educational needs of children of migratory agricultural workers in school attendance areas and schools with high concentrations of migratory children. This assistance is intended to improve the educational opportunities of migratory children by helping them succeed in the regular program, attain grade-level proficiency, and improve achievement in basic and more advanced skills that all children are expected to master.

The regulations for the Migrant Education Program are located at 34 CFR part 201.

The purpose of this handbook is to provide Chapter 1 Migrant Directors guidance in:

1. Preparing applications, meeting applicable program requirements, and enhancing the quality, increasing the depth, or broadening the scope of Chapter 1 Migrant Education Programs;

2. Achieving proper and efficient administration of Chapter 1 Migrant Education Programs;

3. Assisting parents to become involved in the planning, implementation, and evaluation of Chapter 1 Migrant Education Programs and projects; and

4. Ensuring that the officers and employees of education, including auditors, uniformly interpret, apply, and enforce the Chapter 1 Migrant Education Program requirements.

Guidance in this document applies to programs under Part D of Chapter 1. It does not apply to the other Chapter 1 programs even though those programs may, in part, be operated by LEAs. While SEAs may wish to consider this guidance in developing their own guidelines and standards, they are free to develop alternative approaches that are consistent with the Chapter 1 Migrant Education Program statute and regulations, but more in keeping with particular needs and circumstances. In other words, this administrative handbook contains acceptable but not exclusive guidance concerning Chapter 1 Migrant Education Program requirements. However, compliance with the guidance in this document shall be deemed with the statute and regulations by education officials, including the U.S. Department of Education.

ROLE OF THE LOCAL CHAPTER 1 MIGRANT EDUCATION PROGRAM DIRECTOR

The Chapter 1 MEP director is the person assigned by the local school district or BOCES to be responsible for the planning, implementation, evaluation, and fiscal accountability of the Chapter 1 Migrant Program. Many areas of responsibility are more fully covered in specific sections throughout this handbook. The scope of the director's role may vary according to the size of the school district or the Chapter 1 Migrant Education Program, but the activities listed below must be carried out if the program is to be effective.

The major areas of responsibility are:

Planning and preparing the Chapter 1 Migrant Education application

Overseeing the needs assessment

Ensuring that parents and teachers have meaningful involvement in program design and implementation

Overseeing the student recruiting process

Providing leadership in curriculum development in the Chapter 1 Migrant Education Program

Providing appropriate supervision for all project personnel

Coordinating the pre- and post-testing of migrant students and the collecting of sustained effects data

Collecting data to verify assurances about comparability

Overseeing the parent involvement component

Coordinating the inservice program

Maintaining fiscal accountability

Disseminating information about the Chapter 1 Migrant program, including making the approved Chapter 1 application available to Chapter 1 staff and principals

Submitting required reports correctly and on a timely basis

Serving as the primary contact with the Chapter 1 Migrant office of the Colorado Department of Education and attending Chapter 1 Migrant Education meetings

CHAPTER 1 MIGRANT APPLICATION

PURPOSE

The success of a Chapter 1 Migrant Program in meeting the needs of our migrant students depends on the attention devoted to program planning. The Chapter 1 Migrant Education Program application is the culmination of this process and represents the local educational agency's (LEA's) plans for the Chapter 1 Migrant Education Program for the ensuing year.

SUBMISSION

The Chapter 1 Migrant Education Program (MEP) application to the Colorado Department of Education (CDE) Migrant Program office is due by June 30. Major changes in program activities or budgets must have prior approval before implementation. Cumulative changes adding up to 5 percent of the total program budget may be made without prior approval of the CDE Migrant Program Office, but subsequent notification to the state office should be made.

PROCEDURES

A project application must include information that is specific enough to allow the SEA to determine if the proposed local MEP satisfies the applicable regulations and the provisions of the approved SEA application.

In particular, regulations under Section 201.17 (b)(1)(2) and (5) require that an application include information consistent with the SEA's approved application regarding the following provisions:

1. The operating agency's separate annual assessment of the educational needs of its currently and formerly migratory children

2. The selection of children to be served with the greatest needs (consistent with the service priorities in Section 201.31)

3. A description of the local Chapter 1 MEP to be conducted and how its projects will meet the general instructional program goals the SEA has established, the description must contain:
   - a separate summary of the project's components that are designed to meet the unmet needs of the currently migratory children expected to be served and
   - an estimate of the number of currently migratory children expected to participate in each component.

4. A description of desired outcomes in terms of basic and more advanced skills that participating children are expected to master

5. Terms of related support services the LEA will provide

6. A budget for the expenditure of Chapter 1 MEP funds that, to the extent possible, separately summarizes the estimated costs of project components that would benefit the currently migratory children the agency plans to serve

7. Assurances that
   - the operating agency's project comports with activities described in the SEA's approved application submitted under Section 201.11

- The SEA has data, if those data are not otherwise available to the SEA, that the operating agency, if it is an LEA, has maintained effort in accordance with Section 201.41.

ASSURANCES AND REQUIREMENTS

Regulations under section 201.17(b)(3) and (4) require an operating agency's project application to include assurances that

1. The projects will meet the requirements for parental involvement in Section 201.35 and

2. The general program requirements in 201.36 are met:

   - Children selected for service are those with the greatest need, consistent with the service priorities and using the criteria required by Section 201.32 (annual needs assessment);

   - The special education needs of the children are sufficiently specific to permit the SEA to concentrate on meeting these needs;

   - The size, scope, and quality of programs and projects are sufficient to give reasonable promise of substantial progress toward meeting the needs of the children being served;

   - The results of evaluations are used to improve the provision of services to eligible migratory children;

   - Services are provided to all significant concentrations of eligible migratory children enrolled in private schools, consistent with the service priorities in Section 201.31, in accordance with the basic objectives of Section 1017 of the Act;

   - Time and resources are allocated for frequent and regular coordination of the curriculum under the migrant education program with the regular instructional program;

   - For children who are handicapped or limited English proficient, maximum coordination exists between the migrant education program and other services that address children's handicapping conditions or limited English proficiency; and

   - Coordination activities are designed to increase program effectiveness, eliminate duplication, and reduce fragmentation of services for migratory children.

In addition, the operating agency's application must contain the following assurances:

1. If appropriate, the assurance concerning comparability of services as required in Section 201.44,

2. The assurances required under Section 436(b)(2) and (3) of GEPA relating to fiscal control and fund accounting.

3. Certification Regarding Debarment, Suspension and Other Responsibility Matters (the SEA signs for Primary Covered Transactions and assures the department that its subgrantees and contractors have signed for Lower-Tier Covered Transactions); a separate signature by the authorized representative is required,

4. Certification Regarding Drug-Free Workplace Requirements for Grantees Other Than Individuals; a separate signature by the authorized representative is required,

5. Disclosure of Lobbying Activities; a separate signature is required.

Each assurance form is accompanied by instructions and some descriptive material and provides citation of its source in federal statute, regulation, and/or executive order.

SUBGRANTS

DEFINITION

A subgrant is an award of financial assistance made under a grant from the SEA, who is the grantee, to the operating agency. A "grant" is an award of financial assistance in the form of money (or property in lieu of money) by the federal government to an eligible recipient. When the SEA, as the recipient of the grant, awards funds, or property in lieu of money, to a secondary recipient, in this case an operating agency, the award is referred to as a subgrant, and the recipient is known as the subgrantee. (See Section 80.3 of EDGAR ("Definitions").) This is so regardless of the label that the SEA places on the award of financial assistance to the operating agency.

PROCEDURES

In order for an operating agency to apply for a subgrant to operate a Migrant Education Program, it must first submit to the SEA an application for funding of its proposed project. The application must be specific enough to allow the SEA to determine if the proposed project will satisfy the applicable requirements in the Chapter 1 statute, the applicable regulations, and the provisions of the approved SEA application. To ensure that the operating agency's application complies with the provisions of the approved SEA application, the SEA must determine when it is necessary for the subgrantees to amend any multi-year applications because of changes in the approved SEA application (Section 201.16 of the regulations).

SUBGRANT AMOUNT

When determining subgrants the SEA must ensure that it has the necessary funds to meet the unmet needs of all currently migratory children in the state before providing services to formerly migratory children. Section 201.25 of the regulations requires the SEA to:

1. Identify the number of currently migratory children with identified special educational needs who reside within the area served by the operating agency to be sure there are enough to warrant a migrant project, and

2. Consider the nature, scope, and cost of projects designed to meet the needs of currently migratory children as described in the operating agency's application,

Once the SEA has determined that each operating agency has sufficient funds to meet the needs of currently migratory children on a statewide basis, it then bases its subgrants, using procedures it deems appropriate, on the following criteria:

1. The total number of migratory children who either

   (a) are expected to be served by the project or

   (b) are expected to reside in the area served by the agency that operates the project;

2. The nature, scope, and cost of the proposed project;

3. The availability of funds and services from other sources; and

4. Any other relevant criteria developed by the SEA, consistent with the services priorities in 201.31, including the SEA's priorities concerning ages and grade levels of children to be served, areas of the state to be served, and types of services to be provided.

Therefore, provided that MEP funds are not used to duplicate services already available and are spent for reasonable and necessary costs, the SEA may distribute funds based on the result of needs assessment, once the costs of programs for currently migratory children are fully considered.

GRANT PERIOD

The maximum project period that an application may cover is not more than three fiscal years, including the fiscal year for which a subgrant would be made under that application. An SEA has the option of establishing a project of less than three years for all operating agency applications.

CARRYOVER

After the grant period ends, any unexpended funds become carryover funds. This stipulation applies for both the summer and the regular year. Any carryover must be returned to the SEA by check before it is reallocated for the following year.

COMPARABILITY

DEFINITION

Comparability means that an LEA, with the SEA designated as one of its operating agencies, may receive Chapter 1 Migrant Education Program funds only if it uses state and local funds to provide services to students receiving MEP services that are at least comparable to the services provided to students enrolled in the same grade level at all LEA schools that are not receiving Chapter 1 MEP funded services.

PROCEDURES

1. The LEA may demonstrate comparability by submitting an assurance that it has established and implemented a districtwide salary schedule; a policy to ensure equivalence among schools in teachers, administrators and auxiliary personnel; and a policy to ensure equivalence among students in the provision of curriculum materials and instructional supplies.

2. The LEA establishes and implements other measures for determining compliance such as student/instructional staff salary ratios or student/instructional staff ratios.

In either case, Section 201.44(c)(1) of the regulations requires that an LEA develop written procedures to ensure that comparable services are provided to students in the same grades who do not receive MEP funded services. Records must be maintained to demonstrate that the assurances have been implemented.

PENALTIES

If an LEA is found not to be in compliance with the requirement, funds are to be either withheld from the LEA or repaid by the LEA. Whether funds are withheld or repaid depends on when the violation is determined.

SUPPLEMENT NOT SUPPLANT

DEFINITION

Supplement means that state and local educational agencies may use federal funds in addition to state or local efforts and, to the extent practicable, encourage the increase in the level of nonfederal funds for providing the same or similar federal program services if federal funds were absent.

Supplant means to displace nonfederal funds with federal funds. To use federal funds to carry out the terms of a court order or the requirements of federal, state, or local law would be a violation of the "supplement not supplant" requirement, for example, using federal funds to provide course offerings a student would receive if there were no federally supported program is to supplant local effort.

PROCEDURES

All federally funded Migrant Education Programs must determine compliance with the supplement-not-supplant requirement by determining that, in planning the funding of activities, state or local funds either have been or would have been made available in the absence of federal funds.

In determining compliance with the supplement-not-supplant requirement, an LEA may exclude state and local funds spent in carrying out one of the following programs:

1. Special state programs that the secretary has determined in advance have been designed to meet the special educational needs of migratory children; or

2. Special local programs that the SEA has determined in advance have been designed to meet the special educational needs of migratory children, including compensatory education for migratory children.

MAINTENANCE OF EFFORT

DEFINITION

"Maintenance of effort" means that in order for an LEA to receive a Chapter 1 grant, it must maintain, from year to year, the same level of state and local funds that it spends for providing a free public education for all children. In other words, the LEA cannot use its receipt of Chapter 1 funds to reduce the state and local obligation for providing a free public education for all children, including migratory children (Section 201.41).

PROGRAM FISCAL YEAR

The Migrant Education Program fiscal year for the regular school year begins July 1 and ends June 30. The summer program fiscal year ends August 31.

PROCEDURES

An LEA may receive its full allocation of funds under each program if it is found that either the combined fiscal effort per student or the aggregate expenditures of the state and local funds with respect to the provision at free public education in the local educational agency for the preceding fiscal year was not less than 90 percent of the combined fiscal effort per student or of the aggregate expenditures for the second preceding fiscal year.

USE OF DATA

Data fiscal effort information must be submitted with the annual program applications by stating the per pupil expenditures on the aggregate expenditures for the two preceding years. These data are necessary to provide application approval prior to program implementation.

PENALTIES

If a local operating agency fails to maintain the level of fiscal effort required, a penalty will be imposed. The penalty is a reduction by 50 percent of the amount of the local operating agency subgrant that may be used for indirect costs.

PROGRAM EXPENDITURES

1. Funds may not be obligated nor expended before the date the application or any application/budget amendments are approved.

2. All equipment requests must be listed in the application and be approved prior to purchase.

3. All purchase requisitions should be approved by the Authorized Representative or Program Director to ensure that they are within the parameters of the approved application.

4. Expenditures should be recorded on the accounts by grant year and cost category and accounted for separately by fiscal year.

5. Funds may not be disbursed to private schools.

6. No more than 30 days' cash should be kept in the district/BOCES.

7. A given cost cannot be charged to both direct and indirect costs.

RECORD KEEPING

GENERAL PRINCIPLES

An LEA that receives Chapter 1 Migrant Educational Program Funds must use fiscal control and fund accounting. Procedures that will ensure proper disbursement of and accounting for Chapter 1 Migrant Education Program funds are outlined here.

The following records must be kept for fiscal audits and program evaluation:

1. Records that document signed assurances, including the "Single Assurance Form for State-Administered Federal Education Programs," as referenced in the LEA's migrant application agreement, must be available for review.

2. Records that should be on file in the LEA office include the migrant application, approved budget and approval letter, application amendments and budget revisions, evaluation reports, financial records, Certificates of Eligibility (COEs), Parent Advisory Council (PAC) records, and any other essential program documents.

RECORD RETENTION

1. The above records must be retained for five (5) years after completion of the activity for which the funds were used or until any pending audits are resolved. This requirement translates into a total of seven years; the initial year of the program, the following year if part of the funds were carried over into that year, and the five years after the completion of the activities for which the funds were used.

2. Chapter 1 Migrant Education Program equipment records must be maintained throughout the life of the equipment and for a period of five years after the date of disposition, replacement, or transfer of the equipment.

EARLY CHILDHOOD EDUCATION SERVICES

RESPONSIBILITY

Appropriate provisions for meeting the educational needs of preschool children must be made in the same way and according to the same priorities as provisions for the needs of school-aged migrant children.

PURPOSE

The purpose for providing early childhood education services is to ensure that children have access to existing programs or where no programs exist, to ensure that the SEA or its operating agencies establish preschool programs that accommodate the needs of migratory preschool children.

PROCEDURE

Preschool programs are to be developed on the basis of a needs assessment. They should encompass activities that most appropriately serve the special educational needs of migratory preschool children.

SERVICES FOR 0-2 YEAR OLDS

It may be necessary to provide daycare or similar services to the age 2 or younger children in order to provide migrant education services to their preschool and school-aged currently migratory siblings. If no funds, except MEP funds, are available for that purpose, an SEA or operating agency may provide daycare services. Services for currently migratory children in this category would have a higher priority than services to formerly migratory children.

OPTIONS

The Migrant Education Program has a number of options in case it cannot adequately address the needs of the migratory preschool children. Existing programs such as the Head Start Program, Even Start Program, Healthy Start, and Reading is Fundamental (RIF) would assist the child in a smooth transition into the regular school program. The Migrant Education Program can also increase emphasis on coordination with other agencies and assisting those agencies to better document the need; hiring supplemental staff, purchasing supplemental equipment and materials, and providing supplemental services.

EVALUATION

The Migrant Education Program operating agency must evaluate the overall progress, including the educational progress, of migratory children who participate in its preschool projects. Progress must be measured against the desired outcomes described in the operating agency's application, and the operating agency must report its evaluation results to the SEA. The SEA and operating agencies must ensure that the results of their evaluation are used to improve services provided to children in the Migrant Education Program preschool projects.

SERVICES TO PRIVATE SCHOOL CHILDREN

GENERAL REQUIREMENTS

Services to Children - Non-Public Schools

1. P.L. 100-297 makes it necessary for Chapter 1 Migrant Education Program grantees to provide educational services to migratory children attending private elementary and secondary schools who demonstrate academic need.

2. Activities provided to private school migrant children must be comparable to those provided for migrant children enrolled in non-private schools and consistent with the number of migrant private school children and the nature and extent of their educational needs.

3. These activities must meet basic program requirements and be applicable to all Migrant Education Program funding activities for students enrolled in non-private schools.

Consultation with Private School Personnel

1. The requirements for consultation with private school officials include "timely and meaningful consultation with appropriate school officials." To meet this requirement, an operating agency is required to consult with private school officials before making any decision that affects the opportunities of eligible private school children to participate in the Chapter 1 MEP project. In other words, consultation must occur during all phases of the design and development of the Chapter 1 MEP project, including consideration of which children will receive services, how the children's needs will be identified, what services will be offered, how and where the services will be provided, and how the project will be evaluated.

2. If after consultation with the private school officials, the officials of that school do not wish to have their students participate in the Chapter 1 MEP, then the SEA is not required to provide Chapter 1 MEP services to these children. However, consultation must include a clear explanation of the various ways in which the operating agency can help to provide services to children attending private schools.

ELIGIBILITY

If the private schools desire to participate in the Chapter 1 MEP program, the following steps must be taken in consultation with the private school officials:

1. Determine which children may be eligible if they meet the requirements to be considered migratory as defined,

2. If the LEA selects only elementary-level project areas for its MEP participants, it should serve private school children only at the elementary level. An LEA has the flexibility to provide services to private school children at different grades within a level--for example, in grades 1-3 in the public schools and grades 4-6 in the private schools,

3. Determine the number of eligible children, their educational needs, and the amount of services necessary to serve them on a basis comparable to services provided to the public school students.

SERVICES TO SUPPLEMENT, NOT SUPPLANT

An LEA shall use Chapter 1 funds to provide services that supplement the level of services that would, in the absence of Chapter 1 services, be available to children in private schools.

SUPPORT SERVICES

DEFINITION

Support services are services that provide administrative, technical, and logistical support to facilitate instructional and community services such as nutrition, transportation, clothing, and at-risk.

PROVISIONS

Support services may be provided to migratory children when they are receiving supplementary instructional services provided that the needs assessment indicates that the support services are necessary to assist the migratory children in participating effectively in an instructional program and that funds or services from other programs are not available or are inadequate (Sections 201.25(e)(3), 201.17(b)(1)(ii)).

SUMMER SCHOOL PROGRAMS

PROCEDURE

Section 1202 (A)(1) makes provisions for funds to be used for activities that meet the special educational needs of migratory children. Thus, if an SEA identifies migratory children who reside in the state during the summer months, it is required to provide services for these children.

ALLOCATION OF FUNDS

Section 1201(b) of the Act directs the Secretary to adjust the FTE number of migratory children in states during summer months "to take into account the special needs of those children for summer programs and the additional costs of operating such programs during the summer." Since the program in the summer is an intensive one, a significant portion of funds will be used.

The Department's present method for implementing this adjustment gives equal weight to the daily enrollment of every child enrolled in any migrant education summer school program, the number of students enrolled in summer programs and, for each child, the date he or she enrolled and withdrew from the program are the data that the MSRTS uses to provide an adjusted summer full-time equivalency (FTE) count for the state.

REQUIREMENTS FOR EVALUATION

The evaluation design for summer school instructional projects must include objective measures of the progress of the students during the project, including educational achievement in basic skills over the project performance period. The program outcomes should be compared to those of an appropriate nonproject comparison group when possible. The evaluation design should also measure the effect of any support services provided during the summer program.

COORDINATION

DEFINITION

One definition of coordinate is "to act in harmonious combination."

PURPOSE

Migrant Education projects and programs should attempt to act in harmonious combination with other offices that serve migrant families in order to improve educational services to migrant children. Whenever it appears advantageous for two or more agencies to work together to serve their constituents, coordination should take place. Coordination can occur at all levels. Federal, state, and local agencies are required by law to coordinate programs with other agencies.

INTERSTATE AND INTRASTATE COORDINATION

Interstate coordination is coordination between two or more states in any program areas that will improve the education of migratory children in those states. Some areas in which states coordinate among themselves are (1) curriculum, (2) grade placement, (3) curriculum materials, (4) credit accrual and exchange, (5) handicapped child services, (6) dropout prevention, (7) health problems, and (8) early childhood education.

Intrastate coordination occurs the operating agencies within a state coordinate with each other. Many of the same issues are addressed at the intrastate and interstate levels.

The Hawkins-Stafford Act, Section 1202(a)(2), requires MEP to coordinate with the following programs:

1. High School Equivalency Program (HEP) and College Assistant Migrant Program (CAMP)
2. JTPA (Section 402)
3. Community Services Block Grants
4. Migrant Head Start Program
5. Migrant Health Program
6. The Education of the Handicapped Act
7. All appropriate programs of the Departments of Education, Labor, and Agriculture

Other agencies not listed specifically in the statute may have programs for migrant workers and their families:

Department of Agriculture
1. Special Supplemental Food Program for Women, Infants and Children (WIC)
2. Community Facilities Loan Program
3. Farm Labor Housing Loan and Grant Program
4. National School Breakfast Program
5. National School Lunch Program
6. Special Milk Program

Department of Labor
1. Migrant and Seasonal Workers Protection Act (MSWPA)
2. Migrant and Seasonal Farmworkers Services (MSFW)
3. Temporary Alien Agricultural Labor Certification Program (H-2A)
4. Job Corps

Department of Education
1. Handicapped Migratory Agricultural Farmworker Vocational and Rehabilitation Services Program
2. Adult Education Programs
3. Bilingual Education Programs
4. Chapter 1 Education Programs
5. ERIC Cress
6. English Language Proficiency Act (ELPA)

U.S. Environmental Protection Agency (EPA)
1. Occupational Safety Branch (Pesticide Safety)

U.S. Department of Justice
1. Immigration and Naturalization Services
   a. Special Agricultural Workers (SAWs)
   b. Replenished Agricultural Workers (RAWs)

Other nonfederal/federal agencies that serve migrant workers and their families:
1. Farmworkers Justice Fund
2. Migrant Legal Action
3. Children Defense Fund
4. La Raza
5. National Governors Association
6. Reading is Fundamental
7. Handicapped Children Program (HCP)
8. Home Instruction Program for Preschool Youngsters (HIPPY)
9. Hill Foundation

LOCAL COORDINATION

Within each community there are many agencies often willing to help the Migrant Program. Coordination between the MEP and these local agencies is encouraged in order to provide the best possible services for migrant students. Some local agencies that have successfully coordinated with migrant programs are:

1. Migrant and Rural Coalition
2. Migrant Health Clinic
3. Churches
4. Service Clubs
5. Business Groups
6. Church Women United
7. Social Services

NEEDS ASSESSMENT

MIGRANT PROGRAM ASSESSMENT

Each school district/BOCES submitting a Migrant Education Program application must provide evidence that it has conducted a needs assessment to determine the educational, social, health, and nutritional needs of the students to be served.

PURPOSE

The purpose of the needs assessment is to provide information to use in designing and improving migrant education programs. Through the needs assessment process the LEA determines the instructional areas upon which the program will focus (reading, ESL, math, and/or language arts). The results of the needs assessment also assists the LEA in determining the support services to be provided and the grade levels to be served and establishes the criteria for selecting children having the greatest need for participation in the MEP.

The needs assessment is also used locally to make decisions about the distribution of Chapter 1 MEP funds and staff for Chapter 1 MEP projects.

Chapter 1 Migrant Education teachers and parents must be consulted during the needs assessment process which should include selection of the procedures for conducting the needs assessment, review of the results and design and implementation of the MEP. Ongoing, timely, and systematic consultation with teachers and parents helps ensure that decisions about the program design have the benefit of multiple perspectives and reflect coordination among various interests.

REQUIREMENTS

In conducting the needs assessment, the SEA and operating agency must follow certain steps:

1. Identify migratory children (or their characteristics) who reside in the area to be served;

2. Determine the focus of the program to be provided (i.e., instructional areas and/or grade levels);

3. Establish educational criteria for selection for participation in the program;

4. Uniformly apply the educational criteria to particular grade levels;

5. Select children who have the greatest need who will receive services; and

6. Focus services to address the needs of those served (201.32(a)(1,2,3,4,5,6)).

OPTIONAL GROUPS

Agencies operating preschool programs and projects must conduct a needs assessment that includes identification of children (or characteristics of children) who are expected to reside in the project area and who are eligible to be counted as migratory children under 201.20(a).

EXCEPTIONS

A migrant program may skip currently or formerly migrant students in greatest need if their special educational needs are being met with services provided under other federal, state, or local programs (201.32(d)).

RECORD KEEPING

A principal citation by auditors and others who review the integrity of the migrant education programs is that there is not sufficient evidence that the children served were eligible because of improper testing or record keeping. This problem underscores the reason why it is so important that each migrant project keep complete records on the needs assessment and selection of children and have these records readily accessible on file according to school year.

TESTING AND APPROPRIATE EDUCATIONALLY RELATED OBJECTIVE CRITERIA

All projects regardless of the types of migratory children they serve, must assess needs on the basis of educationally related objective criteria.

When formerly migratory children are assessed, criteria including the results of written or oral proficiency tests must be used (201.32(a)(3)(ii)). Currently migratory children who remain in the program for all or most of the year and formerly migratory children are expected to use oral or written tests whenever possible. Other objective criteria may be used for more actively transitory students (Federal Register, Vol. 54, No. 203, Oct. 23, 1989, p. 43243; 201.32(c)(1,2)).

These nontesting criteria might include:

- oral and written test results
- results of informal diagnosis
- records of academic performance (grades, reports from the previous school district, absenteeism)
- observations by professional staff

SERVICE PRIORITIES

PROCEDURES

All district program services will be sought for migrant students before implementing migrant funded services. MEP funds will be used only to meet the allowable costs of migrant program activities in accordance with the application approved by the state.

PRIORITIES FOR SERVING MIGRANT CHILDREN

1. Currently migratory children ages 3 through 21 who have not graduated from high school must be given priority in the consideration of both summer and regular-year programs and activities conducted under the Migrant Education Program (Section 201.31(a)).

2. Currently migratory children two years and younger may be served at the discretion of the SEA and the operating agency if, in order to provide migrant education services to preschool currently migratory children or migrant education instructional services to school-aged currently migratory children, it would be necessary to provide daycare or similar services to currently migratory children aged two years of age or younger, and no funds - except Chapter 1 Migrant Education Program funds - are available for that purpose. In this instance, an SEA or an operating agency may provide daycare or similar services to those children as if they have a higher priority for services than do formerly migratory children (Section 201.31(b)).

The state director will poll all local migrant directors to receive assurance that all currently migratory students ages 3-21 are being served across the state, before any formerly students are served.

CRITERIA FOR SERVING FORMERLY MIGRATORY CHILDREN

Formerly migratory students will be ranked across grade level. Students scoring at or below the 30 percentile on a normed reference test, having a documented teacher referral, or scoring below the satisfactory proficiency level on the LAS or the Idea Proficiency Test will be eligible for services as space allows.

No additional MEP funding will be allocated for programs to serve formerly students. Services will be provided with existing allocations for currently migratory children.

PARENT INVOLVEMENT

PARENT INVOLVEMENT RESPONSIBILITIES

SEA and Migrant Education Programs must design and implement their programs and projects in appropriate consultation with Parent Advisory Councils (PACs) which have been established at the state and local levels and are representative of parents of migratory children. In addition, all state and local programs must be carried out in a manner that is consistent with general requirements for parental involvement in Section 1016 of Chapter 1 statute (Section 201.35).

GENERAL PARENTAL INVOLVEMENT

In addition to the Migrant Education Program responsibilities to consult with PACs, they must also include regular parental involvement in the planning, design, and implementation of each district program. Sections 1016(a)(2) and

1202(b)(4) prohibit an operating agency from receiving MEP funds unless this is done.

REQUIREMENTS

The extensive involvement mandated by Section 1016 of the statute mandates several concomitant requirements of the operating agency that include:

1. Making Chapter 1 education and support service personnel, including pupil services personnel, accessible to parents;

2. Convening a districtwide or building-level annual meeting of the parents of participating children as well as providing opportunities for regular meetings;

3. Providing timely information about the MEP program to parents;

4. Making parents aware of parental involvement requirements (including, where applicable, PAC requirements) and other relevant provisions of the program;

5. Providing information, to the extent practicable, for parents in a language and form that they can understand; and

6. Providing a training program for parents to work with their children at home and understand program requirements.

GOALS OF PARENT INVOLVEMENT

1. To inform parents:
   a. of the reasons their child is participating in the Chapter 1 Migrant Education Program and
   b. of the specific instructional objectives and methods of the Migrant Education Program.

2. To support the efforts of parents:
   a. to work with their children in the home to attain Chapter 1 MEP objectives;
   b. to understand the MEP requirements; and
   c. to build a partnership by working together with teachers and principals, between home and school.

3. To train teachers, principals, and other staff members to work effectively with Chapter 1 Migrant parents.

4. To consult with parents on an ongoing basis concerning the manner in which the school and parents can work better together to achieve the Chapter 1 Migrant Education Program objectives.

5. To provide a comprehensive range of opportunities for parents to participate in the design, operation, and evaluation of the Chapter 1 MEP.

6. To ensure opportunities for the full participation of parents who lack literacy skills or whose native language is not English.

DOCUMENTATION

The required parental input into the planning, design, and implementation of Chapter 1 MEP program can be documented in several ways:

1. The project application's description of the consultation with parents in the development and approval of the project;

2. Agenda and minutes for activities such as the annual meeting of parents of participating children and other regular meetings of parents to obtain input into the program;

3. Schedules of the training sessions designed for parents;

4. Financial records that reflect a budget and expenditures for parental involvement activities; and

5. Sign-in sheets from meetings and training sessions.

PARENT ADVISORY COUNCIL (PAC)

Purpose and Procedures

The Council's function is to advise the Colorado Department of Education Chapter 1 Migrant staff regarding the planning, operation, evaluation, and administration of the Colorado Migrant Education program in several ways:

1. Advising regarding the needs of migrant children in their respective local school districts;

2. Contributing ideas on how to disseminate information about the migrant program;

3. Improving and helping to identify effective program practices;

4. Serving as a link between Chapter 1 Migrant staff of the Colorado Department of Education and the community at large to bring about better understanding of the Chapter 1 Migrant Program;

5. Aiding in involving all segments of the community, especially Chapter 1 migrant parents; and

6. Providing input into the development of Chapter 1 Migrant regulations and guidelines at both the state and the national levels.

Election of the Council

The election procedure must enable the PAC to have a majority of members who are parents (or guardians) of the children to be served by the Migrant Education program or project, and, if feasible, have PAC members elected by parents of children to be served. The operating agency must facilitate this election, but it can be conducted either by the agency or by parents and guardians who attend the PAC meeting. Similarly, the SEA might arrange for local PACs to elect members of the state PAC (Section 201.35(b)).

MIGRANT STUDENT RECORD TRANSFER SYSTEM (MSRTS)

DEFINITION

MSRTS is a computerized telecommunication system that provides academic, health, and other educational and management information on migrant children to participating states and operating agencies on request (Section 201.1(b)).

PURPOSE

The system was developed to address the need for providing timely academic and health information on migratory children to schools the children enter as they migrate from school district to school district within a state and between states (Section 201.1(b)).

PROCEDURES

1. All eligible migratory children that have been identified in a state should be enrolled in the MSRTS.

2. An SEA and/or an operating agency is required to retain records for five years after the completion of the purpose for which MEP funds were used.

IDENTIFICATION AND RECRUITMENT

DEFINITION

Identification means determining the presence and location of migratory children. Recruitment means securing necessary information about each child, documenting the basis of the child's eligibility, and enrolling the eligible child in the Migrant Student Record Transfer System (MSRTS). Securing the information is usually, but not necessarily, done through an interview with the child's parent or guardian.

RESPONSIBILITIES

Program regulations provide that both the SEA and its operating agencies are responsible for identification, recruitment, and implementation procedures that ensure the correctness of the information on which they rely in determining a child to be migratory for purposes of the Migrant Education Program. (For guidelines see Part 6 of Section 1201 and 1202 and Section 201.3, 201.20, 201.21.) **All school districts/BOCES submitting a Migrant Education Program application must have an identification and recruitment plan on file and available for review upon request.**

THE RECRUITER

The recruiter's primary job is to interpret and record the facts that are pertinent to determining whether a child is eligible in accordance with the regulatory definitions of eligibility. The information should be specific enough to be understood by a knowledgeable independent reviewer. The reviewer should also be able to ascertain that the full statewide process of ensuring accurate decision making has been followed.

The recruiter also has the important task of recording accurately and clearly, on a Certificate of Eligibility, the information establishing that a child considered to be migratory meets each element of the regulatory definition. The recruiter determines the child's eligibility on the basis of federal definitions and policies that the SEA implements through formal procedures.

IDENTIFICATION PROCESS

1. Identify and map where the agricultural and/or fishing areas are located throughout the state.

2. Obtain and maintain current agricultural and fishing activity information and determine where within those areas there are high incidences of migratory labor activity and when there are peak employment periods.

3. Locate and maintain a current listing of migrant housing (camps) in each area.

4. Determine what resources, personnel and financial, are necessary for onsite verification of the information gathered in steps 1 and 3 and then begin the recruitment process.

5. Develop and implement procedures for ongoing utilization of available resources to identify and recruit effectively all eligible migratory children in the state.

6. Evaluate periodically the effectiveness of the state's identification efforts and revise the procedures as necessary.

7. As each child is recruited by the program the child's information is documented on a Certificate of Eligibility (COE). The enrollment, eligibility, and residency information from the COE form is then forwarded to a data entry specialist who transmits the information to the MSRTS. Included in the enrollment transmission is a residency date used by the MSRTS to determine an FTE count for funding purposes.

ELIGIBILITY

CRITERIA

All children who are determined to be eligible may be counted for the purpose of state allocations and served with Chapter 1 Migrant Education Program funds if they are at least 3 and not more than 21 years of age. Children who have graduated from high school or have obtained a GED are not eligible.

CERTIFICATE OF ELIGIBILITY

There must be on file in the LEA migrant program office a Certificate of Eligibility (COE) for each student enrolled in the MSRTS regardless of age or whether he/she is attending school. The initial certificate must be signed by the student's parents, custodian, or guardian. A copy of the COE must be submitted to the State Migrant Program Office (MSRTS terminal).

ELEMENTS OF ELIGIBILITY

Currently Migratory Child

A currently migratory child is one whose parent or guardian is a migratory agricultural worker or a migratory fisher and who moved within the past 12 months from one school district to another to enable the child, the child's parent or guardian, or a member of the child's immediate family to obtain temporary or seasonal employment in an agricultural or fishing activity.

Therefore, a child of a parent or guardian who is a migratory worker is eligible for the Migrant Education Program if:

1. that child moved with or to join a parent or guardian or another member of their immediate family who moved to obtain qualifying employment;

2. that child moved with or to join a parent, guardian, or member of the child's immediate family to enable the child to obtain qualifying employment; or

3. that child moved to obtain such employment annually after having previously qualified as migratory.

Formerly Migratory Child

A child who once has been determined to be currently migratory may, with the consent of his or her parents or guardian, be counted and served as a formerly migratory child for up to five years after that child has ceased to migrate. Consequently, any determination of a child's eligibility must be based on a written record of the reason for concluding that the child has met the definition of a currently migratory child, in Section 201.3, at least once during the past six years.

ELIGIBILITY OF POLITICAL REFUGEE CHILDREN FOR MIGRANT SERVICES

Political refugees came to the United States for political reasons and not to seek employment in agriculture or fishing. The children of the refugees, therefore, do not quality for Migrant Program services. However, if political refugees begin to move across district boundaries or state boundaries to seek employment in fishing and agriculture, their children would qualify on that basis.

ELIGIBILITY OF ALIEN CHILDREN

Chapter 1 Migrant Program services are available to all children who meet the statutory eligibility criteria regardless of citizenship.

STATE ADMINISTRATION OF THE MIGRANT EDUCATION PROGRAM

STATE RULE MAKING

The Migrant Education Program is a state-administered program with the SEA responsible for operation of the entire program. Section 201.46 (t)(2) provides that all activities conducted at either the state or the local level in the planning, implementation, and evaluation of the Migrant Education Program are considered part of the SEA administration and operation, i.e., within the decision-making powers of the SEA. For all practical purposes, all MEP decisions at the state or local levels are "SEA decisions" unless the SEA decides to delegate them to the operating agency.

COMMITTEE OF PRACTITIONERS

The committee of practitioners is selected by the SEA. Its function is to review all proposed draft or final state rules and regulations or policy statements. Comments from the committee are to be considered by the SEA in writing the draft or final statement of rules or policies.

The committee is made up of or should include administrators, teachers, school board members, parents, and representatives of private school children. The administrator category should include regional, operating agency, and Board of Cooperative Educational Services administrators, where applicable. Members of the education profession associated with the operating agencies must compose a majority of the committee. There is no set or maximum number on membership. A knowledge of the Migrant Education Program is desirable, though not required.

ALLOWABLE COSTS

DEFINITION

With the exception of the indirect cost provision, allowable costs are those that relate directly to the Chapter 1 Migrant Program and its students. Chapter 1 Migrant funds may not pay for the expenses of other programs or non-Chapter 1 migrant students. For example, schoolwide and districtwide tests are not allowable costs.

EQUIPMENT AND MATERIAL

Purchasing Equipment with Migrant Funds

All Migrant Programs should utilize local, state, and federal program equipment to complement Migrant Program activities when possible. Purchase of equipment with Migrant funds should be held to a minimum and must have prior approval from the CDE Migrant Office.

Instructional Materials

Instructional materials purchased with Migrant Program funds should be those most appropriate for migrant children.

Inventory

Equipment items purchased with Migrant funds should be labeled "Chapter 1 Migrant."

The equipment inventory should be maintained throughout the life of the equipment and for five years after disposition, replacement, or transfer.

An inventory of Migrant equipment purchases must be maintained and periodically updated.

INDIRECT COSTS

DEFINITION

An indirect cost is one that has been incurred in the course of pursuing a common or joint objective and therefore cannot be readily identified for consideration as a separate and distinct direct cost. For example, costs that cannot not be broken out for a mall office housed in a large multifloor building might include electricity, janitorial service, refrigerator space, central computer use, air conditioning charges, and lights. The Education Department recognizes that part of these costs should be charged to a grant or contract and negotiates indirect cost rates with the grantee or contractor.

LIMITATIONS

Section 201.23 reiterates the statutory provision that an SEA may not use more than 15 percent of administrative funds for indirect costs. Section 76.563 of EDGAR provides that not only states but also subgrantees must use a restricted indirect cost rate for the Migrant Education Program. Refer to EDGAR Section 75.564-75.567 for guidance on definitions, exclusion of certain items, and actual computation methodology (see Chapter 1 Budget CDE Form 367).

COMPLAINT PROCEDURES

DEFINITION

A complaint is a signed, written document alleging that there has been a violation, misinterpretation, or inequitable application of any federal law, rule, or regulation that applies to the Migrant Education Program. This complaint must be filed with the SEA.

COMPLAINT PROCEDURES

All programs should have local policies on affirmative action and complaint procedures on file.

The complaint must contain a statement that the SEA or LEA has violated a requirement of federal statute or regulations that apply to the Migrant Education Program and the facts on which the statement is made.

The SEA should refer to Section 201.47(a) of the regulations. Written procedures must cover the following:

1. Receiving and resolving any complaint that the SEA or an operating agency is violating a federal statute or regulations that apply to the Chapter 1 Migrant Education Program;

2. Reviewing an appeal from a decision of an operating agency on a complaint; and

3. Conducting its own independent onsite investigation of a complaint if the SEA decides one is necessary.

The SEA's compliant procedures must include a 60-calendar-day time limit after the SEA receives a complaint to carry out an independent investigation and to resolve the complaint, provision for an extension of this time limit if exceptional circumstances exist with respect to a particular complaint, and the right of a complainant to request the U.S. Secretary of Education to review the final decision of the SEA.

REALLOCATION OF EXCESS FUNDS

DEFINITION

A reallocation is a redistribution of excess federal program funds.

In determining the amount of an SEA grant under the provisions of Section 201.21, the Secretary may decide that the amount available under this provision, added to the amount to be carried over for a state, is more than the amount needed to carry out the approved program activities. The Secretary may then decide to allocate part or all of this excess to one or more LEAs where he or she has determined that the amount available under the original allocation is inadequate to pay for services to eligible migratory children.

PROCEDURES

Primarily the CDE reviews local program activities and expenditures and reallocates funds on the basis of eligible migrant children populations and program needs.

ONSITE PROGRAM REVIEW

DEFINITION

An onsite program review is an examination done by a team from the Colorado Chapter 1 Migrant Education Program to assist LEAs in complying with regulations, policies, guidelines and requirements related to the acceptance and use of federal funds for Chapter 1 Migrant Education Programs.

PURPOSE

The purpose of the onsite reviews are to:

1. determine compliance with legal requirements,

2. determine fidelity of program operation to program application,

3. provide technical assistance for program improvement, and

4. meet locally identified program needs.

Once the review is complete the team will write a report commending each program for its strengths and citing deficiencies that need to be corrected. The LEA must then respond to the report explaining how it will correct deficiencies.

PROGRAM STAFFING

PROGRAM INITIATION

A minimum of 20 currently migratory students aged 3-21 identified and eligible for services is required to initiate a migrant program during the regular year and summer.

RECRUITERS

All programs must employ full-time or part-time recruiters for 12 months, depending on the needs of the school district or BOCES.

RECORDS CLERKS

Migrant Student Record Transfer System (MSRTS) clerks must be employed full-time or part-time for 12 months, depending on the needs of the school district or BOCES.

PROGRAM DIRECTORS, COORDINATORS, PRINCIPALS, AND TEACHERS

Staff members employed with Migrant Program funds during the summer program must be free of school district paid duties and obligations.

AUTHORIZED REPRESENTATIVE

The authorized representative is the individual (superintendent, BOCES director or Migrant Program director) authorized by the LEA/BOCES board to sign <u>all</u> documents and conduct all business related to the Migrant Program.

STAFF/STUDENT SERVICES

Any person paid with Migrant Program funds must serve only those students who are eligible to receive Migrant Program services.

PART-TIME STAFF

Time distribution records must be maintained and kept on file for staff who are paid with migrant program funds as well as other local, state, or federal funds.

SALARY SCHEDULE

Salaried personnel paid with Migrant Education Program funds should be paid consistent with normal LEA salary schedules.

RESOURCE TEACHER/STUDENT RATIO

It is recommended that one resource teacher be employed for every 20 participating migrant students in established migrant programs during the regular school year.

TEACHER AIDE OR TUTOR/STUDENT RATIO

It is recommended that one teacher aide or tutor be employed for every 20 participating migrant student during the regular school year.

CENTRAL ADMINISTRATIVE COSTS

As we negotiate for FTE, consideration will be given to individual criteria that will include the amount of students served, program services, and geographic area covered. CDE will include justification and accountability when reviewing Migrant Education Programs.

EVALUATION

Section 201.51(a) requires that each operating agency conduct an evaluation of its Chapter 1 MEP. The evaluation must include:

1. An assessment of the Chapter 1 Migrant Program's effectiveness in meeting the objectives set forth in the LEA application, including objective measures of achievement in both basic and more advanced skills;

2. A determination of whether improved performance was sustained over a period of more than one program year; and

3. A review of migrant students' progress in the regular school program.

REQUIREMENTS

Migrant Education Programs are required to assess the overall progress of participating migratory children in grades 2 through 12, including educational progress, in terms of basic skills (reading, language arts, math) and more advanced skills (reading, math) and in terms of instructional services and support services. Objective measures of the educational progress of project participants are required, including educational achievement in basic and advanced skills measured, if possible, over a 12-month testing interval

through the use of appropriate forms and levels of national or state normed achievement tests. If this is not possible, other objective measures of the educational progress of migratory children may be used, such as changes in attendance patterns, dropout rates, and other objectively applied indicators of student achievement compared to the performance of an appropriate nonproject comparison group (Section 201.52(b)(1)).

For formerly migratory children who have been served under Migrant Education Programs in a full school year program for at least two years, measures for determining whether improved performance has been sustained for at least one additional year must be obtained (Section 201.52(b)(2)).

Finally, the agency's preschool, kindergarten, and first grade components, like the higher grade components, must be evaluated against the desired outcomes described in the operating agency's application.

ACHIEVEMENT MEASURES

When assessing the effectiveness of the Migrant Education Program, appropriate forms and levels of national or state normed achievement tests should be used. If this is not possible, the SEA or operating agency may use other acceptable measures of educational progress of migratory children such as (1) changes in attendance patterns indicating less frequent absenteeism and tardiness; (2) declining course dropout and school dropout rates; (3) more frequent usage of library books and resource materials; and (4) other appropriate measures that take into consideration factors such as the age, grade, mobility, language, degree of language fluency, and background of the persons served by the project.

NONPROJECT COMPARISON GROUPS

For Migrant Education instructional projects operating throughout the regular school year, SEAs and operating agencies should conduct evaluations using appropriate forms and levels of national or state normed achievement tests. Only if those agencies do not use those achievement tests must they compare performance of migratory students to the performance of an appropriate nonproject comparison group.

Use of these tests will at least provide some kind of measure, where none may otherwise exist, of the success of a Migrant Education Program and the overall progress of its participants. Whether based on national or state norms, these comparisons also can (1) provide measures of the participants' ability to function in local mainstream classrooms with their nonmigratory peers and (2) help determine whether participants in migrant education projects function at the level of established state or local standards.

Nonproject comparison groups consist of persons who are as similar as possible in age, grade, language, degree of language fluency, previous achievement level, and other relevant background variables. Examples of such groups are: (1) students in the Chapter 1 LEA program, Title VII (bilingual education), or state compensatory education programs; (2) students who are eligible for Chapter 1 Migrant Education Program services but are not in greatest need and are therefore not served; and (3) students whose parents, because of military service or similar reasons, have moved frequently.

If possible, the operating agency should assess the performance of children who are served by Migrant Education Programs and projects in comparison to the most similar groups available that receive no program assistance. For example, if the dominant characteristics of the students served by a project are academic deficiency and non-English proficiency, the agency should try to compare their performance with the group of nonmigratory students, if one is available, who most share those characteristics. Making such a comparison

will provide information on the benefits that the Migrant Education Programs and projects have produced.

DESIRED OUTCOMES

Section 201.51(a) requires that the educational progress of migratory children be measured against the desired outcomes described in the operating agency's application. In order to achieve a more complete picture of the success of the Chapter 1 Migrant Education Program, operating agencies are encouraged to state other desired outcomes in terms of indicators such as improved student performance on criterion-reference tests (CRTs), lower dropout rates, or improved attendance in grade. Desired outcomes must be expressed in terms that can be measured. For the purposes of state reporting, at a minimum the desired outcomes will consist of the five outcomes reflected in the Migrant Education Needs Assessment and Evaluation System (MENAES):

1. Is the student placed in the appropriate grade for his or her age?

2. Is the student accruing high school credit at a rate that will permit graduation in four years?

3. Can this student routinely receive core curriculum content and other classroom instruction in English?

4. Has this student attended school 90 percent of the days enrolled?

5. Has this student been moved ahead at least one grade above his/her placement for last year?

SUSTAINED EFFECTS

The Chapter 1 MEP requires that a determination be made as to whether improved performance was sustained over a two-year period. This requirement applies only to formerly migratory children (who have not migrated for at least two years) who have participated in a full school year program for at least two years. Such data are obtained by maintaining records of the performance of individual students on the same assessment instrument for two consecutive years to determine whether the students' academic performance is sustained or continues to improve.

EVALUATION OF SUMMER PROGRAMS

The evaluation design for the summer school instructional project must include:

1. Objective measures of the educational progress of project participants (including educational achievement in basic and more advanced skills) over the project performance period;

2. Measurable desired outcomes for instructional services; and

3. To the extent possible, a means of comparing project outcomes to those of an appropriate nonproject comparison group (Section 201.52).

EVALUATION OF SUPPORT SERVICES

The state must measure the effects of support services against the desired outcomes defined in the operating agency's application and, if possible, should compare the project outcomes to those of an appropriate nonproject comparison group. As an example, changes in student attendance may be a valid measure of the effect of guidance and counseling services. Measures should be selected that are relevant to the desired outcomes of the project.

The following measures of progress are possible examples:

1. observing changes in student attendance rates
2. determining the number or percentage of project students seeking and receiving guidance/counseling services
3. measuring the percentage of project students meeting defined health standards
4. evaluating the language skills of limited English proficient students as measured on a language proficiency instrument
5. evaluating the change in the rate of parental involvement in various activities for project students

The selective measures of progress in support services should be relevant to the desired outcomes of the support service component.